

HOUSE BILL REPORT

HB 3052

As Reported by House Committee On: Transportation

Title: An act relating to the jurisdiction of regulating train speeds.

Brief Description: Introducing federal law preemption in regulating train speeds.

Sponsors: Representatives Clibborn, Wallace, Jarrett and Ericks.

Brief History:

Committee Activity:

Transportation: 2/1/06, 2/2/06 [DPS].

Brief Summary of Substitute Bill

- Clarifies that the Washington Utilities and Transportation Commission (UTC) has the authority to regulate railway train speeds within the limits of cities and towns and at grade crossings only to the extent that its authority is not preempted by federal law.
- Makes speed limits fixed by the UTC prior to the effective date of this act but without a finding of an "essentially local safety hazard" of no force or effect.
- Requires notice from the railroad company or government agency or jurisdiction and potentially a hearing with the UTC prior to increasing operating speeds.
- Limits a railroad company or government agency or jurisdiction providing no more than five notices in any 60-day period.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 27 members: Representatives Murray, Chair; Wallace, Vice Chair; Woods, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Appleton, Buck, Campbell, Clibborn, Curtis, Dickerson, Ericksen, Hankins, Holmquist, Hudgins, Jarrett, Lovick, Morris, Nixon, Rodne, Schindler, Sells, Shabro, Simpson, B. Sullivan, Takko, Upthegrove and Wood.

Staff: David Munnecke (786-7315).

Background:

Under federal law, a state may adopt or continue to force a more stringent law, regulation, or order with respect to railroad safety when the law, regulation, or order: (1) is necessary to eliminate or reduce an essentially local safety hazard; (2) is not incompatible with a law, regulation, or order of the United States government; and (3) does not unreasonably burden interstate commerce.

The Washington Utilities and Transportation Commission (UTC) has the authority to regulate the railway train speeds within the limits of cities and towns, other than first class cities, and at grade crossings.

Summary of Substitute Bill:

The UTC has authority to regulate railway train speeds within the limits of cities and towns and at grade crossings only to the extent that its authority is not preempted by federal law.

Any speed limit fixed by the commission prior to the effective date of this act but without a finding of an "essentially local safety hazard" within the meaning of 49 U.S.C. 20106 shall be of no force or effect.

Before increasing operating speeds, a railroad company or government agency or jurisdiction must provide 60 days written notice to the UTC and the city, town, or road authority that is effected. At the end of 60 days, the railroad company may raise the speed limit unless the UTC finds that a lower speed limit is necessary to reduce or eliminate an essentially local safety hazard. In the event the railroad company or government agency or jurisdiction disagrees, the matter will be scheduled for a hearing.

A railroad company or government agency or jurisdiction may provide no more than five notices in any 60-day period.

Substitute Bill Compared to Original Bill:

- Any speed limit fixed by the commission prior to the effective date of this act but without a finding of an "essentially local safety hazard" within the meaning of 49 U.S.C. 20106 shall be of no force or effect.
- Before increasing operating speeds, a railroad company or government agency or jurisdiction must provide 60 days written notice to the UTC and the city, town, or road authority that is effected. At the end of 60 days, the railroad company may raise the speed limit unless the UTC finds that a lower speed limit is necessary to reduce or eliminate an essentially local safety hazard. In the event the railroad company or government agency or jurisdiction disagrees, the matter will be scheduled for a hearing.
- A railroad company or government agency or jurisdiction may provide no more than five notices in any 60-day period.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: This substitute bill has been agreed to by all parties. The new language is an improvement and clarifies the UTC role in setting speed limits only when there is a local safety hazard. This bill does not affect safety devices and railroads must still meet federal requirements for new speeds. It improves safety through more consistent speeds.

Testimony Against: None.

Persons Testifying: Representative Clibborn, prime sponsor; Pat Osnie and Steve King, Washington Utilities and Transportation Commission; and Andrew Johnson, Burlington Northern Sante Fe Railroad.

Persons Signed In To Testify But Not Testifying: None.